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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Serbia

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I. Methodology

1. This Report was made in accordance with Directives contained in the Decision 17/119 of the Human Rights Council of July 19, 2011, which accompanies the UN Human Rights Council Resolution 16/21 (A/HRC/DEC/17/119).

2. All Ministries, the Parliamentary Committee on Human and Minority Rights and Gender Equality, and other relevant bodies took part in the drafting of the Report. The Office for Human and Minority Rights of the Republic of Serbia coordinated the process.

3. Consultations were held with independent state bodies and three consultative meetings with civil society organizations (CSO) took place during the drafting of the Report; following their recommendations and comments, a Draft Report was forwarded to them[1].

4. The Office of the UN High Commissioner for Human Rights and the OSCE Mission to Serbia provided significant support to the drafting of the Report.

5. Having in mind that in pursuance of UN Security Council Resolution 1244 (1999), the Autonomous Province of Kosovo and Metohija is under the administration of the United Nations Interim Administration Mission in Kosovo (UNMIK), the Republic of Serbia is not able to ensure the implementation of international agreements and human rights standards in this part of its territory. In keeping with the above-mentioned Resolution, UNMIK is in charge of promotion and protection of human rights in the territory of Kosovo and Metohija. When submitting reports on the implementation of ratified UN conventions, the Republic of Serbia has always called on UNMIK to submit reports to relevant bodies on the implementation of standards under the conventions in force in Kosovo and Metohija.

6. The Draft Report was published on the Internet page of the Office for Human and Minority Rights so that all interested parties could submit their proposals and objections. The Report was presented in October 2017 at a session of the Council for Implementation of the Recommendations of the UN Human Rights Mechanisms. In addition to Council members, all relevant actors were invited to attend the session.

II. Development of normative and institutional framework for improvement and protection of human rights since 2013

7. The Republic of Serbia is a candidate country for membership of the European Union. As a segment of comprehensive reforms, particular attention is paid to promoting the rule of law and human rights protection. The legal framework is being reformed in order to comply with the *acquis communautaire* of the EU, to strengthen institutional capacities, media freedoms and to improve the respect for human rights.

8. Within the process of its EU accession, the state has opened the negotiations on Chapter 23: Judiciary and fundamental rights. The implementation of the Action Plan for Chapter 23 is being overseen and regular reports are submitted to the European Commission on measures and activities undertaken by the Serbian Government.

A. Normative and strategic framework

9. Since the second cycle of the Universal Periodic Review (hereinafter referred to as the UPR), a number of international human rights instruments have been ratified: the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children (2015), the Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption (2013), the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (2013), an amendment to Article 20, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against

Women (2014); Protocol No.15 amending the European Convention for the Protection of Human Rights and Fundamental Freedoms (2015).

10. Since the second cycle of the UPR, a number of laws and strategies have been enacted with a view to improvement and protection of human rights[2]. In keeping with the Action Plan for the Implementation of the Strategy of Public Administration Reform, a human resources management policy framework has been developed so that the state administration could take account of the respect for human rights and implementation of principles concerning gender equality, protection of the rights of national minorities, persons with disabilities and other vulnerable groups.

B. Institutional framework

11. The National Assembly, as the highest legislative body, is carrying out its activities in the field of human and minority rights through its Committee on Human and Minority Rights and Gender Equality.

12. There are departments within the Ministries and Government offices dealing with monitoring and protecting human rights, particularly of the vulnerable population, or with improving the status of vulnerable social groups.

13. A Special Department of Demography and Population Policy was established by the Government in 2016. The Republic Agency for Peaceful Settlement of Labour Disputes and the Republic Secretariat for Public Policies were created.

14. In keeping with the recommendations made in the second cycle of the Universal Periodic Review, on December 19, 2014 the Government formed the Council for Implementation of the Recommendations of the UN Human Rights Mechanisms.

15. In addition to the existing bodies, the Council for Implementation of the Action Plan for the Implementation of the Strategy for the Prevention of and Protection against Discrimination; the Population Policy Council; the Council for the Improvement of the Status of Roma and Implementation of the Decade of Roma Inclusion; the National Minority Council and the Council for Preventing Domestic Violence have also been established.

16. In keeping with Article 10 of the Istanbul Convention, the Republic of Serbia Government set up the Coordination Body for Gender Equality on October 30, 2014, tasked with reviewing all issues and coordinating the operations of state administration bodies in the field of gender equality.

17. The Coordination Body Overseeing the Implementation of the Strategy for Roma Inclusion, which coordinates operations of state bodies in the field of Roma inclusion, has also been formed.

III. Promotion and protection of human rights in practice: meeting international obligations in the human rights field

18. Progress has been made in protecting and improving gender equality, the status of Roma, people with disabilities, LGBT persons, migrants, refugees and national minorities.

19. In addition to putting in place an appropriate legal and strategic framework prohibiting discrimination, new mechanisms have been established, interdepartmental cooperation and coordination with civil society has been reinforced.

20. Areas which need additional efforts pertain to appropriate enforcement of laws and primarily to reducing domestic violence. A number of new laws and strategies are expected to be enacted[3].

21. Human Rights of Serbs and other ethnic communities in Kosovo and Metohija are violated institutionally, at legislative, judicial and administration level, as well as through individual arbitrary acts. In practice, relevant legislation and strategies of the Provisional

institutions of local self-government concerning human rights are not implemented equally for all. We particularly emphasize violations of the following rights: the right to life, the right to safety, to return of internally displaced persons, free choice of a place of living, unhindered participation in political life, unhindered disposal of private property, freedom of religion and safe access to churches and places of worship, the use of one's mother tongue, the use of textbooks and books in one's own language, presumption of innocence, protection from arbitrary police powers, right to justice for families of war crime victims, and all other related rights.

IV. Implementation of accepted recommendations from the 2nd cycle of the Universal Periodic Review

A. A Review of approval of international human rights instruments (Recommendations Nos. 131.1; 131.2; 132.1; 133.2)

22. Serbia has ratified a number of international instruments in the human rights field between the two reporting periods[4].

23. A proposal for ratification of the International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families was reviewed. Having in mind that the implementation of this Convention would call for significant financial resources, it was estimated that it cannot be ratified at this time.

24. The Republic of Serbia has signed a Decent Work Programme with the International Labour Organization for the period 2013–2017.

25. The Convention of the International Labour Organization No. 189 was not identified as a priority, so that the ratification of this Convention is planned for the period after 2017.

B. National plan for human rights (Recommendation No. 131.11)

26. In the context of the process of accession to the EU, the Republic of Serbia adopted in April 2016 the Action Plan for the Negotiation Chapter 23: Judiciary and fundamental rights, which is a strategic document in the field of protection and improvement of human rights and which defines public policies in this field, and the implementation, coordination, deadlines and the funding for reforms have been significantly improved. Crucial measures aimed at establishing an independent, unbiased, responsible, professional and efficient judiciary are being implemented, as well as measures aimed at prosecuting war crimes, a set of anti-corruption measures, measures banning torture, inhuman or degrading treatment or punishment and discrimination, measures for protection of vulnerable groups, protection of rights of national minorities, etc. More than 700 activities for the implementation of these measures are planned.

27. Human resources in the state administration have improved through the training on the monitoring of the implementation of national policies, laws, strategies and action plans at the local level. Capacities in local self-governance units and civil society organizations have also been strengthened.

C. National mechanism for reporting on and monitoring human rights (Recommendations Nos. 131.4; 131.5)

28. In 2014, the Government formed the Council for Implementation of the Recommendations of the UN Human Rights Mechanisms with the aim of monitoring the implementation of recommendations in a more efficient way, improving inter-sector cooperation on their implementation and strengthening cooperation with UN mechanisms.

29. The Council has drafted a plan for the implementation of recommendations of the UN Mechanisms for Human Rights Protection which includes a status, goals, timelines and designated implementing bodies.

30. Key principles in the work of the Council are inclusion (inclusion in its work of all relevant actors[5]) and transparency (openness and honesty in the process). The Council is a forum for discussion and it provides for improving communication and cooperation within the executive authority, but also between the executive authority and other actors.

31. With the aim of overseeing the implementation of recommendations, contact persons who have received appropriate trainings, have been appointed by their respective departments to participate in the work of the Council.

32. The Council has concluded cooperation agreements with nine civil society organizations.

D. Cooperation with UN treaty bodies (Recommendation No. 132.12)

33. In keeping with the assumed obligations, the Republic of Serbia is continuously cooperating with UN treaty bodies, as well as with special UN procedures.

34. In the reporting period, the Republic of Serbia presented the following reports to UN treaty bodies: the 2nd and the 3rd periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (July, 2013); the 2nd periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights (May 2014); the initial report on the implementation of the International Convention for the Protection of All Persons from Enforced Disappearances (February, 2015); the 2nd periodic report on the implementation of the Convention against Torture; the initial report on the implementation of the Convention on the Rights of Persons with Disabilities (April, 2016); the 2nd and the 3rd periodic reports on the implementation of the Convention on the Rights of the Child (January, 2017) and the 3rd periodic report on the implementation of the International Covenant on Civil and Political Rights (March, 2017).

35. The Republic of Serbia has submitted to UN treaty bodies the following reports: the 2nd and the 3rd periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (January, 2016); the report on the implementation of recommendations Nos. 17 and 23 of the concluding observations regarding the 2nd and the 3rd periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (April, 2016); the report on the implementation of recommendations No. 9a and No. 19 of the concluding observations regarding the 2nd periodic report on the implementation of the Convention against Torture (April, 2016); the report on the implementation of recommendations Nos. 11, 14 and 28 of the concluding observations regarding the Initial Report on the Implementation of the International Convention for the Protection of All Persons from Enforced Disappearances (May, 2016); the report on the implementation of recommendations Nos. 34 and 54 of the concluding observations regarding the Initial Report on the Implementation of the Convention on the Rights of Persons with Disabilities (May, 2017) and the 4th periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (2017).

36. The Republic of Serbia has had successful cooperation with the relevant human rights bodies of the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE)[6].

E. Institutional actors in human rights protection (Recommendations Nos. 131.7; 131.9; 131.10; 132.3; 132.4; 133.5)

37. A great deal of attention is being paid to the strengthening of capacities of the state at all governmental levels in the field of human rights protection.

38. New mechanisms have been established for review and monitoring of the adopted policies.

39. Also, the governmental Office for Cooperation with Civil Society, as an institution for the support and development of a dialogue between public administration bodies and civil society organizations has set clear standards and procedures for inclusion of civil society organizations at all levels of decision-making.

40. An appropriate legal framework and funds have been secured for operations of all independent state bodies[7] for human rights as well as efficient administration with the aim of strengthening their legitimacy and credibility. Funds for their operations from the Budget of the Republic of Serbia have been constantly increased. Also, these bodies are exempted from the implementation of the Law on the Method of Determining the Maximum Number of Employees in Public Sector.

41. In May 2015, the National Assembly appointed a new Commissioner for Gender Equality. Her staff moved to larger premises in 2016, and the first regional office opened in Novi Pazar in March 2014.

42. The Action Plan for the negotiation of Chapter 23 encompasses measures for strengthening the capacities of the Ombudsman through amendments to the Law on the Ombudsman.

F. Human rights defenders (Recommendations Nos. 131.18; 131.19)

43. In the capacity of coordinator for the negotiations with the European Commission on Chapter 24: Judiciary and fundamental rights, the Ministry of Justice is cooperating with the National Convention on the European Union which is comprised of 200 civil society organizations.

44. As an example of the good practice of cooperation with the civil society, we would like to stress the civil sector's participation in drafting the Strategy for the Prevention of and Protection from Discrimination for the period 2013–2018.

45. All government officials publicly condemned all assaults on LGBT persons and attacks on Roma. All forms of violence, discriminatory behaviour and graffiti with hate speech prompted a public reaction in both print and electronic media, in addition to the prosecution of the perpetrators of such acts.

G. Trainings on human rights (Recommendations Nos. 132.9; 132.10)

46. As part of annual plans, the Human Resource Management Service of the Government of the Republic of Serbia is conducting professional training courses for government employees in the field of human rights protection and anti-discrimination. Since the last cycle of the UPR, 35 training courses have been held which included 511 employees working in various state administration bodies.

47. The Rulebook on General Professional Training Programme for state administration employees and employees of Government agencies and services was issued[8].

48. The Administration for the Enforcement of Penal Sanctions is conducting trainings for the Administration's employees on a regular basis, which is an important mechanism for the prevention of torture.

49. The Judicial Academy has developed a module for training courses in the human rights field. Basic training courses for judicial officials are organised on a regular basis.

50. Training courses for employees in state bodies on the treatment of juvenile offenders, including their legal protection and prevention of discrimination, as well as on the police treatment of juvenile offenders, were held in the reporting period. Training courses for 1,037 expert employees in social care on attitudes towards LGBT persons and their family members were also organised in the said period.

H. Right to privacy (Recommendation No. 132.74)

51. A law on personal data protection is being drafted in keeping with harmonization tables, recommendations of experts, a draft law on the Commissioner for Information of Public Importance and Personal Data Protection and a proposed decree of the European Parliament and the Council of Europe on the protection of individuals with regard to processing of personal data and on a free circulation of such data[9].

I. Access to drinking water (Recommendation No. 132.85)

52. The Republic of Serbia Constitution guarantees the right to a healthy environment. According to the Law on Waters, water is considered a natural resource, owned by the Republic of Serbia.

53. A national framework (constitutional, political and legislative) for the support to provision of water supply and sewerage has been developed. Local self-governments play an important role in securing favourable environment for water supplies and provision of sewerage services.

54. The Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes was ratified in 2013. A joint body was formed and goals and target dates for their achievement were set in keeping with Article 6, Paragraph 3, of the Protocol.

55. In 2016, the Government adopted the Strategy for Water Management in the territory of the Republic of Serbia for the period until 2034, with the aim of achieving an integrated water management in a fair and sustainable way while honouring international agreements.

J. Freedom of religion/churches and religious communities (Recommendations Nos. 132.98; 133.10)

56. According to the Republic of Serbia Constitution, Serbia is a secular state, churches and religious communities are separated from the state, no religion is obligatory as a state religion, meaning that churches and religious communities are equal and separated from the state.

57. Drawing upon the fact that the existence and actions of all religious communities are based on principles of religious pluralism and that various churches and religious communities are built into the legal order of the Republic of Serbia, there are procedures for their registration. The Law on Churches and Religious Communities identifies various religious entities and legally validates their existence. It is forbidden to ban the formation of new churches and religious communities, but it is required to stipulate conditions under which they can be granted the status of a church or of a religious community and thus enter the legal order as a religious community admitted to the exercise of religious freedoms. The registration in accordance with the law is optional in order to secure the status of a church and have the legal personality in the Republic of Serbia.

58. The Ministry of Justice, in cooperation with the Belgrade University Faculty of Law, drafted a comparative analysis on the regulation of the status of churches and religious communities in order to determine specific criteria based on the best practices from the EU countries and from the SEE region.

59. The reporting period was marked by the restitution of property to churches and religious communities that was seized from them in the post-WWII period. The Agency for Restitution, which plays the primary role in the process of the restitution of property, does not discriminate against any church or religious community or legal persons registered in the Republic of Serbia.[10]

K. Freedom of opinion and expression and freedom of assembly (Recommendations Nos. 132.75-132.78; 132.81; 133.6; 133.12)

60. New media laws were passed in 2014[11] and they are fully aligned with the European regulatory framework.

61. In December 2015, the European Commission confirmed that the Republic of Serbia fulfils all conditions regarding the full harmonization of media laws with AVMSD (Audio Visual Media Services Directive[12]) and that it can join the Creative Europe – Media Subprogram.

62. Article 4 of the Law on Public Information and Media stipulates that freedom of public information must not be violated by abuse of office and powers, ownership or other rights, by exerting influence or control over means of printing and distribution of newspapers or over electronic communications networks used for the distribution of media contents. The Law foresees the establishment of a Media Register in order to provide for public availability of the information about the media. The Media Register is managed by the Business Registers Agency.

63. The new Law on Public Assembly[13], entered into force in February 2016, is aligned with modern standards for policing in the field of public assembly.

64. The right to freedom of assembly is also defended through the institution of criminal responsibility since the Criminal Code treats acts aimed at preventing a public assembly as a criminal offence.

65. In February 2016, the Ministry of Internal Affairs adopted an Action Plan for the improvement of police conduct to and cooperation with representatives and associations of LGBT persons, which has been fully implemented. Liaison officers for the LGBT community have also been appointed, and a rulebook for police practices when dealing with the LGBT population has been drafted and training courses for police officers have been conducted.

66. In maintaining law and order at Pride Parade 2014, good cooperation was realized with representatives of the event's organizational committee. After 2014, pride parades and events aimed at promoting the rights of LGBT persons were held without major incidents and with reduced security measures. Groups which earlier expressed dissatisfaction with the pride parade were brought under control.[14]

L. Prevention of discrimination (Recommendations Nos. 131.12–131.17; 132.13–132.17; 132.25–132.30; 132.79; 132.80)

67. During the reporting period, the legislative, strategic and institutional framework regarding the ban on discrimination was improved.

68. The Strategy for the Prevention of and Protection from Discrimination and the accompanying Action Plan determined the Government's policy in this field until 2018.[15]

69. The implementation of measures is monitored through the work of the Government's Council which held four sessions. Four reports on the implementation of the Action Plan have been drafted so far. Contact persons and their deputies were appointed to all institutions charged with implementing measures.

70. Training courses have been organised for contact persons and their deputies, representatives of civil society organizations and local self-government units for the purpose of capacity building and more efficient monitoring of the implementation of the Action Plan.

71. In order to punish the incitement to national, racial or religious hatred, Article 54.a on sentencing under special circumstances when a crime is committed out of hatred[16] has been incorporated into the Criminal Code.

72. The Criminal Code criminalizes inciting to ethnic, racial or religious hatred and intolerance, racial and other discrimination, violations of equal rights, violations of the right

to the use of language and script, violations of freedom of expression, of national or ethnic background, violation of freedom to practise religion and perform religious rites, as well as damaging the reputation of a people, national or ethnic groups and organizing and inciting to genocide and war crimes.

73. The Public Prosecutor's Office of Serbia in December 2015 issued a general directive of a mandatory nature on keeping a special record of certain crimes, including hate crimes.

M. National minorities (Recommendations Nos. 132.5; 132.88–132.99)

74. The legislative framework dealing with the status and participation of national minorities in social and political life in Serbia that was established in the past ten years has been significantly improved and implemented in practice.

75. The new Law on civil servants stipulates equal access to jobs for all candidates in autonomous provinces and local self-governance units.[17] All jobs are available under the same conditions. The ethnic composition of employees, representation of genders and the number of persons with disabilities among employees should reflect the structure of the population to the greatest possible extent. The Government issued three decrees defining criteria for the classification and description of jobs and filling-in job vacancies in autonomous provinces and local self-governance units.

76. By-laws for the implementation of the said Law have been adopted and they stipulate that if a language and script of a national minority is in official use in the autonomous province, a local self-governance unit or a city municipality, the knowledge of such a language is a requirement for jobs where verbal and written communication with citizens is needed. National minorities are given priority in case qualified candidates are equally evaluated for a job, and this will be specifically mentioned in advertised job notices if there is a need for an employee from among the national minorities who are underrepresented in the staff.

77. The Government adopted the Action Plan for the Exercise of the Rights of National Minorities on March 3, 2016.[18] The National Minorities' Councils took part in drafting the Action Plan. The Action Plan stipulates greater participation of national minorities in the government, the use of script and rights in the fields of education and culture.

78. The Council for National Minorities, as a body through which the Government is maintaining a dialogue on all issues of interest for national minorities and on improving their status, is tasked with overseeing the implementation of activities as per the Action Plan for the Exercise of the Rights of National Minorities. The Council renewed its work in 2015. The Prime Minister is heading the Council, and its members are relevant ministers and presidents of the National Minorities' Councils. A programme of allocation of funds from the Budget's Fund for National Minorities was adopted at a session of the Council for National Minorities held on May 23, 2017, which stipulates that information in national minority languages is a priority field to be financed from the Budget's Fund for National Minorities in 2017. Funds will be made available in a public call announced by the Ministry of State Administration and Local Self-Government.

79. There are 21 National Minorities' Councils in Serbia; their work is financed from the Budget of Republic of Serbia, the budgets of the autonomous provinces and local self-governance units, donations or otherwise.

80. The Office for Human and Minority Rights in cooperation with the OSCE Mission held a number of training courses aimed at strengthening the capacities of the National Minorities' Councils. They were financed by IPA funds.

81. Education in the 15 languages spoken by national minorities has been secured at all three educational levels which this year includes over 60,000 students. Eleven languages of national minorities are in official use in 42 local self-governance units. More than 18,000 hours of radio and TV programmes are broadcast each month in 16 languages of national minorities, and more than 100 print media are published.

82. The Government continued its efforts in the field of Roma inclusion with the adoption of the new Strategy for Social Inclusion of Roma in the Republic of Serbia by 2025. The Strategy and the accompanying Action Plan define measures and activities, implementers and funds for priority fields: housing, employment, education, health and social care, prevention of discrimination.

83. The Government's Coordination Body for Roma Inclusion is monitoring the implementation of measures. The Government's Council for the Improvement of the Status of Roma and for the Implementation of the Decade of Roma Inclusion is also monitoring the implementation of policies on Roma inclusion.

84. Through the implementation of the previous Strategy for Improving Roma Status until 2015, and through participation in the Decade of Roma Inclusion (2005–2015), Serbia achieved significant results which can be used as an example of good practices.

85. Amendments and supplements to the Law on Extrajudicial Procedure enabled efficient additional registration in the Birth Registry and helped Roma citizens to be provided with personal documents.

86. 181 pedagogical assistants, who contribute to the inclusion of Roma students and to their better performances in education, now work in local self-governance units.

87. Through the implementation of affirmative action measures (2003), 1,960 Roma enrolled in universities and post-secondary schools and 5,070 of them enrolled in secondary schools, and a system of monitoring regular attendance at school and achievements of students was established. Scholarships are provided for their education through affirmative action measures.

88. Seventy-five health mediators are undertaking activities in connection with health education of Roma. They help residents of informal settlements to improve their health status and get included in the healthcare system.[19] A record on the number and places of informal settlements in Serbia was established for the first time, providing an opportunity to direct funds at resolving these problems. According to data provided by municipalities, there are 583 informal/illegal Roma settlements in Serbia. First urban plans have been drafted for sub-standard Roma settlements and 13 models for improving housing conditions of Roma have been developed.

89. In addition to social housing as a model for resolution of housing issues, programmes of purchase of rural households are underway.

90. The adopted Programme for Employment and Social Policy in the process of accession to the EU represents a crucial document for monitoring progress in the process of European integration and negotiations with the European Commission in the field of employment and social policy. The new Strategy for Social Inclusion of Roma in the Republic of Serbia regulates the issue of employment of Roma.

91. A database for monitoring Roma inclusion at local and national levels was established through IPA 2012 TARI project.[20]

N. Legally invisible persons (Recommendation No. 132.8)

92. A birth is registered in the Birth Registry regardless of whether the child's parents are known or unknown, whether the child is without parental care, whether it is an adopted child or the child whose parents have no personal documents.

93. Amendments to the Law on Non-Contentious Procedure and the implementation of agreements between the Ombudsman and relevant Ministries, with the support of the UN High Commissioner for Refugees, enabled the resolution of the issue of personal documents for more than 25,000 Roma during the reporting period.

94. With the introduction of the service "Baby, welcome to this world" in April 2016, the procedures of registration of babies in the Birth Registry, reporting citizenship and place of residence and electronic registration for health insurance while a baby is still on the maternity ward, have been simplified.

O. Rights of the child (Recommendations Nos. 131.6; 131.8; 131.23; 131.25–131.29)

95. Applicable laws and regulations guarantee the exercise and protection of the rights of the child, which is why the Ministry in charge of family protection is of the opinion that it is not necessary to adopt a special law on the rights of the child.

96. Even though the Family Law stipulates that parents are not allowed to expose the child to humiliating actions and punishments that insult human dignity of the child and that they are obliged to protect the child from such actions by other people, amendments to the Law are being prepared which will explicitly ban corporal punishment of children as a mean of upbringing the child. The Ministry in charge of family protection started work on drafting a bill amending and supplementing the Family Law which, among other things, provides for a ban on corporal punishment of children and on the use of physical force as a means of upbringing the child and envisages measures pertaining to protection of children from domestic abuse.

97. The Council for Child Protection conducted a study and amended the draft bill on children's ombudsman of 2008 and sent an initiative to the Government to launch a procedure for passing the bill. A public debate on the bill is in progress in order to improve the wording of the bill.

98. Even though the Criminal Code does not contain a crime called "child-selling", we stress that other crimes recognized by this Code incriminate the selling of children. In addition to the crime of trafficking in human beings, the Criminal Code includes crimes such as: trafficking in minors for adoption; taking a minor child away and a change of family environment.

99. With the aim of combating child pornography, amendments were made to the Criminal Code which introduced a definition of child pornography and new paragraphs were added criminalizing even access to child pornography.

100. The "School without violence" programme includes 274 schools. An interactive internet site called "School without violence" was designed as well as a toolkit to evaluate safety of the school environment and gender-based and digital violence. A rulebook for evaluation of the safety of school environment is created as a part of the evaluation of quality of education and strengthening of capacities of schools and educational advisers for monitoring the safety of the school environment.

P. Gender equality (Recommendations Nos. 132.6; 132.18–132.24; 132.82; 132.83)

101. The Coordination Body for Gender Equality, which is headed by a Deputy Prime Minister, since its establishment in 2014 has undertaken a number of activities with the aim of improving the status of women and gender equality.

102. After 2016 parliamentary and local elections, a woman was appointed as the Speaker of the National Assembly, and 34.54% of MPs are women. The percentage is similar in every city and municipal assembly.

103. After the presidential election of May 2017 changes occurred in the Government. For the first time, a woman was appointed Prime Minister of Serbia. Out of 21 ministers, four are women, one of them is a Deputy Prime Minister and President of the Coordination Body for Gender Equality. Five women are presidents of administrative districts, and 12 are mayors.

104. There are more than 100 local bodies for gender equality.

105. Regulations applied in local government bodies and the autonomous provincial government bodies enable equal access to jobs for both genders. The 2015 Law on the Budget System introduced a gender-sensitive budgeting and an obligation that all budget beneficiaries must apply it by 2020 at the latest.

106. Since February 2016, the Republic of Serbia has used the EU gender equality index in six fields: distribution of time, money, work, knowledge, power, health and in two subfields: violence against women and inter-sectoral differences. According to indicators, gender equality index for the Republic of Serbia is 40.60%.[21]

107. The Government has adopted a National Strategy for Gender Equality in February 2016[22] for the period 2016–2020 with the Action Plan for the period 2016–2018.

109. The National Action Plan for the Implementation of UN Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2017–2020) – was adopted on May 19, 2017. The second National Action Plan includes a greater number of actors with the focus on the implementation of reforms at the local level.

109. A strategic and normative framework which contributed to improving the status of women in rural areas and their economic empowerment was adopted in Serbia.

110. Projects and campaigns aimed at improving gender equality and overcoming gender stereotypes and prejudices have been supported in Serbia at the republic and province levels. The Republic of Serbia has developed a legal framework which stipulates a principle of equal opportunities and availability of jobs for both genders.

111. Of a total number of state employees, 62.4% are women, there are 53.23% of women in leadership positions, and 45% of state officials are women. Women and men are equal in terms of their pay both in public and private sectors.

Q. Persons with disabilities (Recommendations Nos. 132.86; 132.87)

112. The Law on the prevention of discrimination against persons with disabilities was amended in 2015, so that persons with disabilities who cannot sign by themselves can use a seal containing their personal identity data or an engraved signature on it.

113. A set of anti-discrimination laws was supplemented in March 2015 when the Law on the Use of Sign Language and the Law on Movement of Blind Persons with Guide Dogs were adopted.

114. A team of professionals for inclusive education has been formed at the level of every pre-school institution, elementary and secondary school. It is tasked with developing and improving the inclusive climate, policies and practices at the level of the institution. Interdepartmental commissions tasked with assessing the needs for additional education, health and social support to children have been established in all local self-governance units.

115. The Law on Foundations of the Education System explicitly stipulates that particular attention should be paid to "prospects that children, students and adults with developmental difficulties and those with disabilities, regardless of their financial standing, have access to all education levels," and that "persons housed in social protection institutions, such as sick children, students and adults enjoy their right to education during the time they are housed in such institutions and during a hospital or home medical treatment." Special attention should also be paid to reducing the number of children leaving school early, particularly persons from socially disadvantaged categories of the population and underdeveloped areas, persons with developmental difficulties and disabilities and other persons with specific difficulties in learning and their re-integration into the system, in keeping with principles of inclusive education.

116. Also, children with developmental difficulties and disabilities have the right to the use of sign language or a special script.

117. The new Law on Textbooks stipulates that students with disabilities use textbooks whose format is adapted to their needs.

118. The new Law on Secondary Education stipulates that secondary education is free of charge but is not compulsory, and provides for a possibility of distance learning.

119. The Rulebook on determining priorities for enrolment of children in pre-school institutions stipulates that children from vulnerable categories have a priority. Pre-school education is free of charge for all children and is financed from the Republic of Serbia's Budget.

120. The Rulebook on criteria for recognizing forms of discrimination against an employee, a child or a third person in educational institutions has been adopted.

121. The Strategy of Education in the Republic of Serbia until 2020 stipulates that all children should be included in elementary education, particularly children in rural areas, Roma children and children with developmental difficulties and disabilities and a decrease in the number of children leaving elementary and secondary school early.

R. Elderly people (Recommendation No. 132.84)

122. With the aim of raising the quality of social protection services, the Law on Social Protection stipulates that social protection organizations must obtain a license. The Rulebook on conditions and standards for the provision of social protection services defines standards for the provision of the majority of social protection services.

123. The National Strategy on Aging until 2016 contributed to the introduction of the phenomena of aging in developmental plans, and its aims have been incorporated into other national and local strategic documents.

124. The evaluation of the said Strategy is the foundation for the conclusion that no new strategy is needed, but that the existing one should be implemented. Strategic goals are in keeping with EU objectives until 2020.

125. The number of various services for elderly people residing in retirement facilities has increased in the local communities, helping the elderly to improve their contacts with society. Housing conditions have improved in the public sector following the standardization of services and licensing of organizations and professionals.

126. Home services are provided to elderly people in a number of local communities.[2]

127. Elderly people (65+) and poor elderly people do not have to pay for certain services or the charges for such services are discounted for them (ranging from utility to public transportation services). These facilities are in force in most municipalities and cities, particularly in Belgrade.

128. Private sector providers of social services are emerging, particularly as regards retirement homes (there is accommodation for 5,000 elderly people in private retirement homes).

S. Migrants, refugees and internally displaced persons (Recommendations Nos. 132.100; 132.101; 132.102)

129. The passage of the Law on Employment of Foreigners in 2014 stipulates conditions and procedure for employment of foreigners. A foreigner employed in keeping with this Law enjoys equal rights and obligations as domestic citizens, if conditions stipulated by the law are met. The National Employment Bureau issued 7,430 work permits to foreigners in 2016.

130. The Republic of Serbia is the only country in Europe which in the 21st century is facing the problem of protracted internal displacement. There are 203,140 internally displaced persons in Serbia at the moment and around 17,000 so-called internal-internally displaced persons. Sustainable conditions for return of internally displaced persons to Kosovo and Metohija, which is the responsibility of the international community, have not been secured 18 years after their expulsion, which is testified to by UNHCR data that less than 5% of displaced persons have returned to Kosovo since 1999.

131. Main obstacles to sustainable return are: security situation, lack of mechanisms for protection and access to justice, unresolved issue of property restitution, aggravated access to public services and the use of native language.

132. In the context of finding durable solutions and the exercise of fundamental human rights of internally displaced persons, including the right to access and regain the property and the right to work, it is necessary to provide possibility for all internally displaced persons from Kosovo and Metohija to choose between local integration and sustainable return.

133. Mechanisms at central and local levels for the implementation of all types of programs of support to internally displaced persons have been developed. Thanks to the system of local action planning in meeting the needs of those persons, local self-governance units got actively engaged and programs are financed from the Serbian Budget and donors' funds. The implementation of the Regional Housing Program for refugees in the former Yugoslavia, a joint program of four countries – Bosnia and Herzegovina, the Republic of Croatia, Montenegro and the Republic of Serbia, which is aimed at securing permanent housing for 16,780 families (45,000 individuals), is in progress in Serbia. The regional process received significant support from the international community: the EU, USA, UNHCR and the OSCE, including funds for the implementation of the Regional Housing Program.

134. The National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons for the period 2015–2020 has also been adopted.

135. In keeping with the Law on Refugees, the Law on Migration Management and the Law on Asylum, the Commissariat for Refugees and Migration is keeping records of refugees and internally displaced persons and records of asylum seekers/migrants in reception centres. In the past seven years, the Commissariat has drafted a migration profile of the Republic of Serbia, as a means of monitoring migration flows and trends.

136. In the context of alignment of national regulations with EU legal instruments governing the field of asylum, the Government adopted a draft bill on asylum and provisional protection on August 25 which was submitted to Parliament for consideration.

137. The Asylum Office was created on January 14, 2015 under the authority of the Border Police Administration and it is conducting the first-instance asylum procedure. The Commission for Asylum, which is appointed by the Government, decides on the second-instance procedure. A legal protection against Commission decisions is provided through an administrative dispute procedure.

138. According to estimates, more than 600,000 migrants and refugees from war-torn areas passed through Serbia without major incidents. Since the closure of the migrant route[24], there are more than 40% of persons in reception centres that are minors. At the moment, 18 centres which can take in 6,000 people (five asylum centres and 13 reception centres) are operating. In 2015, the Serbian Government established a task force for solving problems of mixed migration flows.

139. There is a children's corner in every reception centre, and women and men are housed separately. Psychological and social support is secured through partnership with civil society organizations. Conditions for children and youth to attend schools have been created. Additional recreational and educational activities have been organized for them.

140. The Ministry of Labour, Employment, Social and Veterans' Affairs is conducting training courses for employees working in social care on "the promotion of tolerance, suppression of discrimination and respect for the rights of internally displaced persons in Serbia in search for durable solutions."

141. The Civil Society Organizations and international organizations dealing with issues of protection of migrants and refugees, particularly women, are enabled access to permanent and reception centres.[25]

T. Domestic violence (Recommendations Nos. 131.20; 131.21; 132.33–132.47)

142. The Council of Europe's Convention on Preventing and Combating Violence against Women (Istanbul Convention)[26] was ratified in October 2013.

143. The Coordination Body for Gender Equality initiated the adoption of the National Strategy for the Prevention and Suppression of Violence against Women and Young Girls in the Family and Partnership Relations for the period 2017–2020.

144. Public Prosecutor's Offices are obliged to submit quarterly reports with data from special records to the State Prosecutor's Office, via appellate public prosecutor's offices.

145. The State Public Prosecutor's Office in December 2015 issued binding instructions[27] providing for an obligation to keep special records in appellate, high and municipal public prosecutor's offices which include, among other things, the criminal offence of domestic violence.

146. In January 2016, *the Department for the Prevention and Suppression of Domestic Violence* which monitors, analyses and coordinates cases of domestic violence at the level of all 27 police administrations, was formed within the Criminal Police Administration.

147. In February 2013, the Ministry of Internal Affairs adopted a special Protocol on action of police officers in cases of violence against women in the family and in intimate partner relationships. Basic and special training courses were conducted on the implementation of the Protocol. The Special Protocol for the judiciary in cases of violence against women in the family and in intimate partner relationships was adopted on January 14, 2014.

148. In November 2015, *the Rulebook on conditions and standards for providing services of SOS helpline to women victims of violence*[28] in keeping with Article 24 of the Istanbul Convention was adopted.

149. *The Law amending the Criminal Code and the Law on the Prevention of Domestic Violence*, which entered into force on June 1, 2017[29] were adopted on November 23, 2016 with the aim of harmonizing these laws with the Istanbul Convention.[29]

150. Amendments to the Criminal Code of November 23, 2016 stipulate the crime of *forced marriage*.[30]

151. *The Law on the Prevention of Domestic Violence*[31] regulates in a comprehensive way the organization and actions of state institutions and enables the prevention of domestic violence through a quicker protection of and support to victims of domestic violence and through the essential implementation of some of the most important solutions from the Istanbul Convention.

152. The Law stipulates that public prosecutor's offices, police and Social Services Centres cooperate through a joint body – *The Group for Coordination and Cooperation*, and specifies disciplinary and misdemeanour sanctions for state employees, judges and prosecutors. The Government's Council for the Suppression of Domestic Violence is tasked with overseeing the implementation of the Law, improving the coordination between relevant state bodies and other parties, improving the effectiveness of the prevention of domestic violence and protection from domestic violence.

153. The Law on the Prevention of Domestic Violence introduces *two emergency measures*: removal of the perpetrator of domestic violence from the family home, and banning the perpetrator from contacting or approaching the victim (restraining order).

154. Also, the Law defines domestic violence as an act of physical, sexual, psychological or economic violence against a person with whom the perpetrator is/was married or is/was in a common law marriage or against a person who is a relative in direct line of descent with the perpetrator, or against a person who is a relative in the lateral line to the second degree, or who is a relative via in-laws, against a foster child, adopted child or against any other person with whom the perpetrator of domestic violence lives or used to live in a common household.

155. In 2015 and 2016, training courses, supported by the OSCE Mission, were conducted for persons who work in *Services providing information to injured parties and witnesses in public prosecutor's offices*, which were established in high public prosecutor's offices.

156. Relevant laws stipulate mandatory training courses for representatives of specialized state bodies (police, public prosecutor's office and courts).

157. As part of the Republic of Serbia Institute for Social Protection, a number of training programs on domestic violence were accredited and they are intended for professionals working in institutions of social protection (Social Services Centres and social housing institutions).

158. The Group for Protection from Violence and Discrimination has been active since December 2013 in the Ministry of Education, Science and Technological Development.

159. Social Services Centre manages safe places or refuge spaces.[32]

160. With the aim of helping women to report domestic and sexual violence by way of raising awareness of a criminal nature of such acts, the Ministry of Justice launched a nationwide awareness raising campaign called "Stop the Violence."

U. Trafficking in human beings (Recommendations Nos. 131.22; 131.24; 131.30; 132.48–132.57)

161. Efforts towards combating the trafficking in human beings and towards the protection of victims have increased.

162. The IPA twinning project called "Combating Organized Crime (trafficking in human beings, narcotic drugs and arms and money-laundering investigations)"[33] has been implemented since late 2016.

163. A specialized training course for law enforcement officials at local and regional levels in the field of combating human trafficking will be conducted in order to improve the capacities of the Criminal Police Administration in keeping with best EU practices and the Action Plan for Chapter 24.

164. Public Prosecutor's Offices are operating in keeping with positive regulations and the Special Protocol on operations of judicial authorities in the protection of victims of human trafficking (2012)[34]. As part of improving conditions for reintegration of victims, the Centre for Protection of Victims of Human Trafficking has signed a Protocol of Cooperation with the National Employment Bureau.[35] Numerous state bodies have signed Memoranda of Cooperation with civil society organisations[36] in the field of prevention and suppression of human trafficking.

165. In December 2015, Information Services for Victims and Witnesses were established in high public prosecution offices in Belgrade, Novi Sad, Nis and Kragujevac. A publication "Legal Framework and Recommendations for the Implementation of the Principle of Not Punishing Victims of Human Trafficking in the Republic of Serbia" was published with the support of the OSCE Mission to Serbia.

166. The National Strategy for the Prevention and Suppression of Trafficking in Human Beings, particularly women and children, for the period 2017–2022, with the Action Plan for the period 2017–2018, was adopted.

167. In the Serious and Organized Crime Threat Assessment,[37] which was drafted in 2015 and published at the beginning of 2016, trends and recommendations in connection with the fight against human trafficking are cited. One version of a report is available at the Internet site of the Ministry of Internal Affairs.

168. In 2014–2015, National Indicators for Preliminary Identification of Possible Victims of Human Trafficking were created in the Republic of Serbia. Indicators encompassed all systems, from social protection, education to police.

169. In 2016, a project "Preventing the Risk of Human Trafficking of Children and Youth in the Republic of Serbia" was implemented with the support of the UNITAS Fund.

170. The local Social Services Centres coordinate the support to children victims of trafficking.

171. In 2016 and 2017, the Centre for Family Accommodation and Adoption in Belgrade implemented the project on foster parenting for refugee/migrant children, which includes foster care for children from this category of the population who are victims of traffickers.[38]

172. A four-day training course on work with children victims of some form of violence, including human trafficking for the purpose of sexual exploitation, was organized for all employees of the Centre for the Protection of Victims of Human Trafficking in 2015.

173. In 2016, the Centre took part in a training course for health mediators within a UNICEF project aimed at detecting and at establishing relations between health mediators and children who were sexually exploited and their families.

V. Protection of journalists (Recommendation No. 132.32)

174. The Constitution guarantees independence of the press and freedom of journalists.

175. The Action Plan for the negotiation Chapter 23 provides for activities to ensure protection of journalists and freedom of expression.

176. With the aim of increasing the efficiency of operations of public prosecutor's offices in criminal proceedings against perpetrators of crimes targeting journalists, the Republic Public Prosecutor's Office issued instructions in December 2015.[39]

177. In April 2016, a cooperation agreement, treating investigations into cases involving threats and violence against journalists as a priority, was signed between the Republic Public Prosecutor's Office and the Ministry of Internal Affairs.

178. The Republic Public Prosecutor's Office, the Ministry of Internal Affairs, the Serbian Journalists' Association, the Serbian Independent Journalists' Association, the Vojvodina Journalists' Association, the Association of Independent Electronic Media, the Media Association, the Association of Online Media and the Vojvodina Independent Journalists' Association, in December 2016 signed an agreement on cooperation and on measures for increasing the level of safety for journalists.

W. Rule of law and judiciary reforms (Recommendations Nos. 132.58–132.62; 132.71)

179. The National Strategy for Judicial Reform for the period 2013–2018 was adopted with the accompanying Action Plan which defines priorities, goals and directions of reform measures.

180. Reform efforts indicated in the Strategy have been widened and operationalized through the Action Plan for the negotiation of Chapter 23, within the EU accession process.

181. The need to amend the Constitution has been identified in a section pertaining to the influence of the legislative and executive authorities on the process of selection and dismissal of judges, court presidents and public prosecutors and the appointment of members to the High Judicial Council and the State Prosecutorial Council, specifying the role and position of the Judicial Academy, as a mechanism for entering the judiciary.

182. With the aim of implementing activities set out in the Action Plan for Chapter 23, the Ministry of Justice, in cooperation with the Office for Cooperation with Civil Society, has organized consultations since May 2017 with civil society organizations in order to hear from them suggestions and proposals for amendments to the Constitution in a section pertaining to the judiciary.

183. With the passage of the new Law on the Protection of the Right to a Fair Trial within a Reasonable Timeframe, conditions have been created for making progress towards trials

within a reasonable timeframe; prospects for compensation in case of violation of this right have improved as well as prospects for shorter duration of a court proceeding and for less backlog of cases.

X. Respect for police code of conduct (Recommendation No. 132.11)

184. In keeping with the Law on Policing, the Republic of Serbia Government adopted in March 2016 the ethical code of conduct for law enforcement officials[46] forming part of a program of professional training of MIA employees.

Y. Prohibition of torture (Recommendations Nos. 131.3; 132.2; 133.3; 133.4)

185. As part of progressive alignment of the Criminal Code with international standards during the accession process to the EU, amending the definition of torture is planned. With regard to the prevention and suppression of torture and abuse, the Republic of Serbia intends to strengthen the capacities of the Ombudsman, particularly his role as a national mechanism for torture prevention. Also, the implementation of a higher level of coordination and the raising of general awareness of the necessity for full elimination of all forms of torture are to be achieved by defining clear communication channels between police officers, the National Preventive Mechanism and civil society organizations. A higher level of professionalism and awareness of the necessity to establish a zero tolerance of torture will be achieved through initial and continuous training courses for police officers, employees of the Institute for the Execution of Criminal Sanctions and judges for the execution of criminal sanctions. The Judicial Academy is holding training courses on the prohibition of torture from international law.

Z. Persons in detention (Recommendations Nos. 132.72; 132.73)

186. The Administration for the Enforcement of Penal Sanctions is undertaking activities pertaining to improving conditions in prisons, the implementation of individualized treatment programs, health care and protection of the rights of persons in detention. The Strategy for the Development of the System of the Enforcement of Criminal Sanctions until 2020 and the Action Plan detail activities aimed at improving the state of affairs in every field.

187. Measures recommended by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) are being actively implemented.

188. The new Law on the Enforcement of Penal Sanctions and the Law on the Enforcement of Non-Custodial Sanctions were enacted in May 2014 to align domestic laws with relevant international standards. The problem of overcrowded institutions for the execution of criminal sanctions is approached in two ways: through investment in facilities and through improving the system of alternative sanctions.

189. As part of two newly-built buildings, the police station in Bac and the police department in Batajnica, detention units followed all recommendations for building and equipping such premises. Detention units in Novi Pazar and Kikinda and in the police stations in Sjenica, Tutin and Kanjiza were renovated in September 2015.

190. The overcrowding in prisons was reduced by 1,147 persons through the implementation of the Strategy to Reduce Overcrowding in Penitentiary Institutions in the Republic of Serbia in the period 2010–2015. Penitentiary facilities can hold up to 9,459 inmates.

191. Offices for the execution of alternative sanctions opened in the seats of all high courts (25 offices), an additional number of commissioners were employed, numerous roundtables were held and education was organized for judicial officials and commissioners, and the achieved results have been presented.

192. The Administration has worked on improving housing conditions and increasing the capacities.

193. There was a 26.4% rise in the number of inmates released on parole in the period 2012–2016.

194. In cooperation with the Ministry of Education, a program of functional elementary education for adult convicts serving their sentences is being implemented.

195. The completion of the reconstruction of the special prison hospital in Belgrade is planned for the end of 2017.

196. In cooperation with the Ombudsman and civil society organizations, training courses for healthcare professionals are organized.

AA. Accountability for War Crimes (Recommendations Nos. 132.64-132.70)

197. On February 20, 2016, the Government adopted the National Strategy for the Prosecution of War Crimes for the period 2016–2020.

198. A Draft Prosecutorial Strategy for investigation and prosecution of war crimes for the period 2016–2020 in Serbia has been drafted and it is expected to be adopted in the coming period.

199. The National Assembly appointed a new War Crimes Prosecutor on May 15, 2017 which enabled the Office of the War Crimes Prosecutor to work in full capacity.

200. Regarding the right of victims to compensation, the drafting of a national strategy for enhancing the rights of victims of crimes is planned. An accompanying action plan will stipulate measures to improve the realization of the rights to compensation as well as to the establishment of a support services network.

201. The cooperation with the Residual Mechanism for International Criminal Tribunals has continued.

202. In the Bitiqi Brothers case, the War Crimes Prosecutor's Office has indicted a number of persons. In January 2013, a final decision on acquittal was rendered in that case. The Office of the War Crimes Prosecutor issued an order to conduct an investigation against an unknown perpetrator of a crime against prisoners of war punishable under Article 144 of the Criminal Code of the Federal Republic of Yugoslavia.

BB. Corruption (Recommendations Nos. 132.7; 132.63)

203. The Republic of Serbia ratified all major international instruments in the fight against corruption.

204. A plan for the harmonization of internal legal order with the EU legislation for the period 2013-2018 is incorporated in the National Program for the Adoption of the EU Acquis Communautaire.

205. A strategic framework for the fight against corruption in the Republic of Serbia is comprised of the following documents: the National Strategy for the Fight against Corruption in the Republic of Serbia for the period 2013-2018 with the accompanying Action Plan for its implementation and the Action Plan for Chapter 23.

206. The National Strategy for the Fight against Corruption in the Republic of Serbia for the period 2013–2018[41] identified areas that are considered particularly at risk for corruption, i.e., areas of priority action, which have been determined on the basis of qualitative and quantitative analysis of indicators on trends, scope, manifestations and other issues related to corruption in the Republic of Serbia based on various sources of information.[42]

207. The process of revising the Action Plan for the Implementation of the National Strategy for the Fight against Corruption in the Republic of Serbia in the period 2013–

2018[43] was completed on June 30, 2016, after which the Republic of Serbia Government adopted the Revised Action Plan. The revision is stipulated as one of the obligations under the Action Plan, and it was done on the basis of the assessment of fulfilment of the National Strategy for the Fight against Corruption made in the past reports of the Anti-Corruption Agency, difficulties encountered in the implementation and monitoring of the implementation of this document, as well as due to the fact that the Action Plan for Chapter 23, which was adopted in April 2016, envisages some of the same or essentially similar obligations as in the Action Plan for the Implementation of the National Strategy for the Fight Against Corruption, but with longer deadlines for their fulfilment.

208. The situation was resolved with the adoption of the Revised Action Plan for the Implementation of the National Strategy for the Fight against Corruption, from which the majority of the above-mentioned obligations were erased.

209. The Action Plan for Chapter 23, Sub-chapter "the Fight against Corruption," contains a number of activities divided into three parts: *The Implementation of Anti-Corruption Measures, Prevention and Repression of Corruption.* These activities are aimed at implementing the recommendations made in the European Commission screening reports on what Serbia should do to improve its legal and institutional framework for the fight against corruption and to secure the implementation of mechanisms verified in practice.

Notes

[1] In addition to all this, three civil society organizations (YUCOM, Amity and the Centre for the Rights of the Child) have been supported with funds from the Republic of Serbia Government – the Office for Human and Minority Rights, to oversee the implementation of UPR recommendations regarding women, children and the elderly, which thus made their contribution to the drafting of the Report for the third cycle of the Universal Periodic Review (UPR).

[2] Information on adopted laws and strategies is annexed to the Report.

[3] The Law on Prohibition of Discrimination, the Law on Gender Equality, the Law on Data Protection, the Law on Free Legal Aid, and the Strategy against Domestic Violence.

[4] See Paragraph 9 of the Report.

[5] Representatives of Ministries, the National Assembly, independent state bodies, civil society organizations, international organizations.

[6] A delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) was on a visit to the Republic of Serbia from May 26 to June 5, 2015, and on an ad hoc visit from May 31 to June 7, 2017. The European Commission against Racism and Intolerance (ECRI) was on a visit to Serbia in September 2016 as part of the 5th monitoring cycle. The Republic of Serbia has passed a long road of evaluation of the implementation of the Council of Europe's Convention on Actions against Trafficking in Human Beings. A Group of Experts on Actions against Trafficking in Human Beings (GRETA) was on a visit to Serbia on March 6-10, 2017.

[7] The Commissioner for Gender Equality, the Commissioner for Information of Public Importance and Personal Data.

[8] The Official Gazette of the Republic of Serbia No. 6/17, which as part of the Programme of General Continuous Professional Training Courses for Government Employees encompasses the fields of human rights protection and secrecy of data, with related thematic fields of protection from discrimination, discrimination before public authority bodies, gender equality and gender-based violence, protection of consumer rights, protection of personal data, protection of classified information, rights of national minorities, mechanisms for monitoring the human rights situation in the Republic of Serbia with regard to particularly vulnerable groups and execution of rulings of the European Court of Human Rights.

[9] General decree on data protection COM 2012 11.

[10] When it comes to land restitution, since the beginning of the implementation of the Property Restitution Law, the most land has been restored to the Christian Adventist Church (100%), followed by the Evangelist Christian Church (92%), the Jewish Religious Community (91%), the Serbian Orthodox Church (74.37%), the Romanian Orthodox Church (69.27%), the Christian Reformed Church (65.73%), the Roman Catholic Church (61.13%), the Greek Catholic Church (52.31%), etc. When it comes to buildings, the most buildings have been restored to the Christian Adventist Church (100%), the Christian Nazarene Community (100%), followed by the Christian Reformed Church (95%), the Romanian Orthodox Church (74.45%), the Jewish Religious Community (67.42%), the Serbian Orthodox Church (28.15%), the Roman Catholic Church (26.87%), the Evangelist Christian

Church (21.61%), etc.

[11] The Law on Public Information and Media (Official Gazette of the Republic of Serbia Nos. 83/14 and 58/15), the Law on Electronic Media (Official Gazette of the Republic of Serbia No. 83/14), the Law on Public Media Services (Official Gazette No. 83/14).

[12] The Directive of the European Parliament and Council on Providing Audio-Visual Media Services.

[13] The Official Gazette of the Republic of Serbia No. 6/16.

[14] See more in the Annex to the Report.

[15] The Strategy is the first document dealing with the issue of discrimination in a comprehensive way. The Strategy recognizes nine vulnerable social groups that are at risk of discrimination on grounds of their belonging to national minorities; women; LGBT persons; persons with disabilities; elderly people; children, refugees; internally displaced persons and other migrant groups at risk, on grounds of religion and persons whose health can be the basis for discrimination.

[16] If the crime was committed out of hatred because of the victim's race or religion, ethnicity, gender, sexual orientation or gender identity, a court will regard this fact as an aggravating circumstance, except in cases where this circumstance is stipulated as an element of a crime.

[17] "The Official Gazette of the Republic of Serbia", No. 21/2016.

[18] The Action Plan contains 11chapters and 115 activities in which 80 implementers are taking part - Ministries, local self-governance units, civil society organizations, media, National Minorities' Councils.

[19] In the past five years, 460,125 health visits were made and more than 30,000 Roma children were immunized. The death rate of Roma children has decreased by 50% compared with 2006 (it was 26‰ in 2006, and 13‰ in 2014). They had an impact on improving health controls for 4,500 pregnant and postpartum women. Also, 11,177 women chose their gynaecologists and 12,617 women underwent systematic health checks.

[20] http://www.inkluzijaroma.stat.gov.rs/sr

[21] The Coordination Body for Gender Equality, in cooperation with the Team for Social Inclusion and Poverty Reduction and the Republic Bureau of Statistics, supported by the European Institute for Gender Equality, started the drafting and the computation of the gender equality index.

[22] The Official Gazette of RS, No. 4/16. The document is monitored through the reporting on the realization of measures and activities stipulated by this Action Plan.

[23] One-time financial assistances, in-kind aid, aid in home care and clubs for elderly people, and in addition to this, at least one third of municipalities and cities have day care centers for elderly people, provide meals to food banks and subsidize utility bills, public transportation and medicines.

[24] Migrant route was closed in March 2016.

[25] The UN High Commissioner for Refugees (UNHCR, UN WOMEN).

[26] The Official Gazette of the Republic of Serbia – International Agreements, No. 12/13.

[27] A No. 802/15.

[28] The Official Gazette of the Republic of Serbia, No. 93/15.

[29] The most important changes and amendments to the Criminal Code pertain to crimes against gender freedom and to introduction of new crimes. More severe punishments are stipulated for some crimes against freedom of gender. A minimum prison term of five years (with a ban on reducing it) for rape and sexual abuse of a child is stipulated (as well as for crime of sexual abuse of a child through abuse of power) which makes the Serbian legislation one of the most severe legislations in Europe. Also, when it comes to sexual abuse of a helpless person, a minimum prison term was increased from two to five years while a maximum prison term was increased to 12 years (which equalizes this crime with a rape). New crimes are introduced in the Criminal Code: *mutilation of female genitalia, stalking, sexual harassment and forced marriage*. Also, *displaying, obtaining and possessing pornographic material and abuse of minors for pornography* were entered into amendments necessary to harmonize laws with the Council of Europe's Convention on Cybercrime, which improves legal protection of girls and boys on-line. Also, regulations stipulating that a perpetrator of a crime of rape, sexual abuse of a helpless person committed against a spouse and illegal sexual acts is prosecuted on request were deleted from the Criminal Code.

[30] Article 187a.

[31] The Official Gazette of the Republic of Serbia, No. 94/16.

[32] Safe refuges, which are managed by Social Services Centres exist in Kragujevac, Leskovac, Priboj, Smederevo, Vranje, Jagodina, Sabac, Nis and Majdanpek. There are five refuge spaces in the Autonomous Province of Vojvodina, which are managed by Social Services Centres. They are in Novi Sad, Zrenjanin, Sombor, Pancevo and Sremska Mitrovica and they can accommodate 122 persons. The Provincial Government, in cooperation with the Fund B92, supported the construction and equipping of safe places in Zrenjanin, Pancevo, Sombor and Sremska Mitrovica with a total of 22,500,000 dinars.

[33] Training programs on human trafficking for judges, police officers and prosecutors have been

developed, with the focus on the conduct of investigations and provision of protection and support to victims. Basic training courses on investigations into human trafficking for police officers of the Criminal Police Administration were conducted in the first quarter of 2017.

[34] All high prosecutor's offices appointed prosecutors acting as contact persons in cases of human trafficking, who are trained for this field, and who act and coordinate work in human trafficking cases. Public prosecutor's offices, in cooperation with the Judicial Academy, foreign partners and NGOs, organize and conduct training courses for public prosecutors, particularly prosecutors acting as contact persons.

[35] The Protocol was signed between the NGO Astra, the Jesuit Refugee Service and the UNITAS Fund.

[36] The Republic Prosecutor's Office with the Victimology Society of Serbia and organizations Astra and Atina, the Ministry of Education, Science and Technological Development with the UNITAS Fund, the Ministry of Youth and Sport with the Civil Society Organization Your Serbia, and others.

[37] SOCTA – Serious and Organized Crime Threat Assessment.

[38] The accommodation of children victims of traffickers is in the exclusive jurisdiction of the state and prospects for accommodation of children in foster families are always a point of departure.

[39] Instructions stipulate that public prosecutor's offices keep a special record of crimes against persons doing jobs of public interest in the field of information, of actions taken and of attacks on media internet sites, which are cases which require urgent attention and action.

[40] The Official Gazette of the Republic of Serbia, No. 17/17.

[41] It was adopted at a session of the Republic of Serbia Parliament on July 1, 2013.

[42] These are the following areas: political activities; public finances; privatization and public-private partnerships; judiciary; police; spatial planning and construction; healthcare; education and sports and media. A special chapter – *Corruption Prevention*, formulates goals concerning fields of priority actions, and all other fields at risk of corruption. This strategic document sets 53 goals, for the achievement of which the Revised Action Plan defines 113 measures and 243 activities.

[43] The Republic of Serbia Government adopted it on August 25, 2013.